

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

Claim Status

Claims 1-18 are pending and are rejected. Claims 1 and 10 are independent in form. Claims 1 and 10 are herein amended. No new matter has been added.

Prior Art Rejections

Claims 1-3 and 10-12 have been rejected under 35 U.S.C. §102(b) as being anticipated by USP 5,339,351 to Hoskinson et al. ("Hoskinson"). (See ¶6 of the Office Action). Dependent claims 4-8 and 13-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hoskinson in view of the admitted prior art. (See ¶8 of the Office Action).

Claims 1 and 10

In regard to independent claims 1 and 10, the Examiner has taken the position that Hoskinson discloses all the elements recited in these claims. (See Office Action, ¶6, pp. 3-4.)

In reply to the Applicants' arguments filed June 16, 2003, the Examiner alleges that Applicants are reading limitations into the claims (Office Action, ¶9). Applicants respectfully disagree but, in response thereto, Applicants nonetheless herein amend claims 1 and 10 to explicitly recite these distinguishing features.

Specifically, Applicants amend claims 1 and 10 to clearly indicate that the present invention is applicable to both analog and digital telephonic devices and to explicitly recite that, upon detecting the on-hook event, the stored ELIN and/or callback number is transmitted autonomously from an emergency call buffer at the CPE to the PSAP prior to disconnection of the call (to the PSAP) by the PBX when detecting the on-hook event at the telephonic device. Applicants believe these amendments overcome the rejections of the Examiner for at least the following reasons.

Further, Applicants respectfully do not agree with the Examiner with regard to the teachings attributed to Hoskinson. Applicants respectfully submit that, in our opinion, the teachings of Hoskinson are not as stated by the Examiner in rejecting claims 1 and 10 and claims 1 and 10 as presented herein are patentably distinct thereover.

Hoskinson is directed to a hardware location identification module, locally installed at each residential telephone set or PBX extension, and is applicable to analog telephones only. According to Hoskinson, the location identification module is locally enabled when an emergency calls is made from one of these specially equipped telephone sets. By use of this local hardware identification module, Hoskinson addresses the emergency caller disconnect problem by allowing the emergency identification module to remain enabled for some time after the emergency caller disconnects. Thus when the emergency dispatcher calls the emergency caller back and the emergency caller goes off-hook to answer the dispatcher's call, the dispatcher then requests that the hardware identification module send the location information to the PSAP.

In this regard, Hoskinson is very different from Applicants' claimed invention, which, *inter alia*, employs a database at the CPE of the ELIN and callback numbers for both analog and digital phones connected to the CPE

According to the present invention, when an emergency call is detected, the caller information is buffered immediately and autonomously sent to the PSAP. Thus, in the claimed invention, the ELIN and callback number of the emergency call are transmitted to the PSAP autonomously (without the need for a request from the PSAP) or without the need for establishing a new call between the emergency dispatcher and the previously disconnected emergency caller. Under the present invention as claimed, the emergency call is not disconnected before the information is transmitted to the PSAP. In an alternative embodiment, if an on-hook event is detected prior to transmission of the ELIN and/or call back number to the PSAP, a timer is activated and emergency call information is autonomously transmitted to the PSAP from the CPE buffer upon expiration of the timer and prior to disconnecting the call.

Thus, Hoskinson can not fairly be said to teach or suggest the claimed invention, in which signaling messages for both digital and analog phones are used to autonomously transmit the ELIN and/or callback number to a PSAP prior to the PBX disconnecting the call as will be explained in further detail below. Applicants submit that Hoskinson does not teach or suggest a method for processing an emergency call using a digital telephone. Hoskinson's hardware module is applicable to analog telephonic devices only. Thus, at least this claimed features is not found in Hoskinson, taken alone or in combination with other references of record.

Furthermore, Applicants respectfully submit that Hoskinson does not teach or suggest the claimed feature of autonomously transmitting the location identification and/or

callback number from the CPE to a PSAP upon detecting an on-hook event and prior to disconnecting the call. In Hoskinson, the dispatcher must request the location information after the emergency call disconnects, and the information is only sent in response to such request. According to Hoskinson, the request is initiated by the dispatcher by calling back the disconnected emergency caller, and when the emergency caller goes off-hook to answer the call, the dispatcher then accesses the location information (see Hoskinson col. 3, lines 1-9). In Hoskinson, the callback from the PSAP and the request by the PSAP for the location information comes after the original emergency call is disconnected and when the emergency caller answers the callback from the emergency dispatcher. Such scenario is possible only if the callback number is transmitted to the PSAP prior to emergency call disconnect and if the telephone device from which the emergency call was originated is able to receive direct inward dialed (DID) calls. The use of a PBX telephone extension instead of a call back number further distinguishes Hoskinson from the present invention. Thus, the claimed invention is neither taught nor suggested by Hoskinson, alone or in combination with other references of record.

The present invention as recited in amended claims 1 and 10, *inter alia*, recites that the emergency caller attributes are stored and subsequently buffered at the CPW during the emergency call. The buffered call attributes comprise callback numbers, ELIN and other information. This element of the claim is also different from Hoskinson, where the location identification module and location storage are used to store the emergency caller location information. Furthermore, the environment and functionality of the present invention is different from that of Hoskinson in at least the foregoing respects.

Accordingly, the present invention as recited in claims 1 and 10 is believed clearly distinguishable from, and neither anticipated by nor rendered obvious in view of, the limited and different teachings of Hoskinson, taken individually or in combination with other references of record, for at least the foregoing reasons.

Dependent Claims

Applicants have not independently addressed the rejections of the dependent claims 2-9 and 11-18 because Applicants believe that, as the independent claims 1 and 10 from which the dependent claims depend are allowable for at least those reasons discussed *supra*, the dependent claims are allowable for at least similar reasons. Applicants however, reserve the right to address such rejections should such be necessary.

Provisional Double Patenting Rejection

Applicants again defer addressing the provisional rejection of claims 1-18 under the judicially created doctrine of obviousness-type double patenting as such response is premature as none of the claims identified as being in conflict have yet been patented. Applicants reserve the right to address such rejection when appropriate.

In view of the foregoing, Applicants believe that claims 1-18 as pending are patentable over the prior art of record, taken alone or in combination, and respectfully request that the respective rejections be withdrawn and the application allowed.

CONCLUSION

Based on the foregoing, Applicants respectfully request reconsideration and allowance of this application.

Applicants believe no fees or extensions of time are required for this Amendment. However, should an extension of time be required for the timely submission of this paper, such extension of time is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 19-2179.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,



Francis G. Montgomery

Reg. No. 41,202

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
(732) 321-3130